

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No.14-cv-05344-BLF (NC)

**ORDER RE: ADMINISTRATIVE
MOTION TO SEAL**

Re: Dkt. Nos. 286, 304, 323, 362, 403

Courts have traditionally recognized a strong presumption of access to judicial records unless the record is one “traditionally kept secret.” *Kamakana v. Cty and Cnty of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). The Ninth Circuit, however, has carved out an exception to this presumption for when a party seeks to seal a “document [attached] to a non-dispositive motion.” *Id.* at 1179. A party seeking to seal a document attached to a non-dispositive motion must show “good cause” under Rule 26(c). *Id.* at 1180.

In this district, a sealing order may issue only upon a request that establishes that the document, or portions thereof, are privileged, protectable as a trade secret, or otherwise entitled to protection under the law. L.R. 79-5(d). The request must be narrowly tailored to seek sealing only of sealable material. *Id.*

The parties have a number of sealing requests pending before the undersigned. The Court rules as follows:

- 1 **1. Docket number 286-** Arista's request to file under seal exhibits and to redact
2 portions of its opposition brief to Cisco's motion for a protective order. All of
3 the material sought to be sealed is designated by Cisco as confidential or highly
4 confidential. Cisco has not responded to this motion as required by Local Rule
5 79-5(e). Cisco must respond by August 4, or the Court will order the documents
6 unsealed.
- 7 **2. Docket number 304-** Arista's request to file under seal exhibits and to redact
8 portions of its motion to strike. All of the material sought to be sealed is
9 designated by Cisco as confidential or highly confidential. Cisco has not
10 responded to this motion as required by Local Rule 79-5(e). Cisco must respond
11 by August 4, or the Court will order the documents unsealed.
- 12 **3. Docket number 323-** Cisco's request to file under seal exhibits and to redact
13 portions of its opposition to the motion to strike. Cisco seeks to seal information
14 which it has designated highly confidential because it is business information
15 that gives Cisco a business advantage. The Court finds there is good cause to
16 keep the designated information confidential and GRANTS this motion.
- 17 **4. Docket number 362-** Arista's request to redact certain portions of its reply to
18 the motion to strike brief. Arista seeks to redact portions of its brief based on
19 information that Cisco has designated highly confidential. Cisco has not
20 responded to this motion as required by Local Rule 79-5(e). Cisco must respond
21 by August 4, or the Court will order the documents unsealed.
- 22 **5. Docket number 403-** Arista's request to seal documents related to a discovery
23 letter brief. Arista seeks to seal its entire privilege log produced in discovery
24 because "the log discloses the internal e-mail addresses of dozens of Arista
25 personnel as well as the e-mail addresses of Arista's counsel, both in litigation
26 matters and non-public matters. The log also discloses which counsel have
27 worked on which projects, and when." The Court finds there is good cause to
28 keep Exhibit J to the joint discovery letter confidential and GRANTS this

1 motion.

2 In conclusion, Cisco must respond to docket numbers 286, 304, and 362 by August
3 4 in compliance with Local Rule 79-5(e). Cisco must explain why there is good cause to
4 seal the documents attached to Arista's submissions that Cisco has designated as
5 confidential or highly confidential. If Cisco does not respond, then these motions and all
6 of their attachments will be unsealed.

7 **IT IS SO ORDERED.**

8
9 Dated: August 1, 2016



NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California